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through the United Nations Children's Fund, indigenous nongovernmental organizations, or international organizations, and shall be provided in accordance with the general authorities contained in section 491 of the Foreign Assistance Act of 1961.

MEMBERSHIP DESIGNATION IN ASIAN DEVELOPMENT BANK

SEC. 566. It is the Sense of the Congress that the United States Government should use its influence in the Asian Development Bank to secure reconsideration of that institution's decision to designate Taiwan (the Republic of China) as "Taipei, China". It is further the Sense of the Congress, that the Asian Development Bank should resolve this dispute in a fashion that is acceptable to Taiwan (the Republic of China).

DEPLETED URANIUM

SEC. 567. None of the funds provided in this or any other Act may be made available to facilitate in any way the sale of M-533 antitank shells or any comparable antitank shells containing a depleted uranium penetrating component to any country other than (1) countries which are members of NATO, or (2) countries which have been designated as a major non-NATO ally for purposes of section 1105 of the National Defense Authorization Act for Fiscal Year 1987.

earmarks

SEC. 568. Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act. Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations.

HAITI

SEC. 569. (a) **SUSPENSION OF ASSISTANCE**—During fiscal year 1988, none of the funds made available by this Act or by any other Act or joint resolution may be obligated or expended to provide United States assistance (including any such assistance appropriated and previously obligated) for Haiti (other than the assistance described in subsection (b) of this section) unless the democratic process set forth in the Haitian Constitution approved by the Haitian people on March 29, 1987, especially those provisions relating to the provisional Electoral Council, is being fully and faithfully adhered to by the Government of Haiti.

(b) **EXCEPTIONS**—The term "United States assistance" does not include—

(1) assistance under chapter 1 of part 1 of the Foreign Assistance Act of 1961 insofar as such assistance is provided through private and voluntary organizations or other nongovernmental agencies;

(2) assistance which involves the donations of food or medicine;

(3) disaster relief assistance (including any assistance under chapter 9 of part 1 of the Foreign Assistance Act of 1961).

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- (4) assistance for refugees.
- (5) assistance under the Inter-American Foundation Act.
- (6) assistance necessary for the continued financing of education for Haitians in the United States, or
- (7) assistance provided in order to enable the continuation of migrant and narcotics interdiction operations.

(c) **OTHER SANCTIONS**—It is the sense of the Congress that, in order to further encourage the Government of Haiti to adhere to the constitutionally mandated transition to democracy, the President should—

- (1) suspend Haiti's eligibility for benefits under the Caribbean Basin Economic Recovery Act; and
- (2) seek international cooperation to encourage such adherence by the Government of Haiti through the imposition of an international arms embargo and comprehensive trade and financial sanctions.

ASSISTANCE FOR PANAMA

SEC. 576. (a) Unless the President certifies to Congress that—

(1) the Government of Panama has demonstrated substantial progress in assuring civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from non-military activities and institutions

(2) the Government of Panama is conducting an impartial investigation into allegations of illegal actions by members of the Panama Defense Forces,

(3) a satisfactory agreement has been reached between the governing authorities and representatives of the opposition forces on conditions for free and fair elections, and

(4) freedom of the press and other constitutional guarantees, including due process of law, are restored to the Panamanian people

then no United States assistance (including any such assistance appropriated and previously obligated) shall be obligated or expended for Panama in this fiscal year and any fiscal year thereafter, and none of the funds appropriated or otherwise made available in this Act or any other Act shall be used to finance any participation of the United States in joint military exercises conducted in Panama during the period January 1, 1981, through December 31, 1981.

(b) It is the sense of the Congress that if the conditions described in paragraphs 1 through 4 of subsection (a) have been certified as having been met, then not only will United States assistance be restored, but increased levels of such assistance should be considered for Panama.

(c) For purposes of this section, the term "United States assistance" means assistance of any kind which is provided by grant, sale, loan, lease, credit guarantee, or insurance, or by any other means to any agency or instrumentality of the United States Government, including—

(1) assistance under the Foreign Assistance Act of 1961, including programs under Title IV of chapter 2 of part I of such Act.

100TH CONGRESS
2D SESSION

S. 2170

To support democracy and respect for human rights in Haiti.

IN THE SENATE OF THE UNITED STATES

MARCH 15 (legislative day, MARCH 14), 1988

Mr. GRAHAM (for himself, Mr. KENNEDY, Mr. DECONCINI, Mr. KERRY, Mr. D'AMATO, and Mr. DIXON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To support democracy and respect for human rights in Haiti.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. CONDEMNATION OF FAILURE TO SUPPORT TRAN-

4 SITION TO DEMOCRACY, PROVIDE SECURITY,

5 AND RESPECT HUMAN RIGHTS.

6 The United States—

7 (1) condemns the National Governing Council of
8 Haiti for its failure to fulfill its pledge to the Haitian
9 people, to the United States, and to the international
10 community to support a transition to democracy in
11 accordance with the provisions of the Constitution

100TH CONGRESS
2D SESSION

H. R. 4152

To support democracy and respect for human rights in Haiti.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1988

Mr. FASCELL (for himself, Mr. CROCKETT, Mr. FAUNTROY, Mr. OBERSTAR, Mr. GILMAN, Mr. TOWNS, Mr. RODINO, Mr. WEISS, Mr. PEPPER, Mr. LEHMAN of Florida, Mr. DE LUGO, Mr. DORGAN of North Dakota, Mr. GARCIA, Mr. OWENS of New York, Mr. LEVIN of Michigan, Mr. DIXON, Mr. MORRISON of Connecticut, Mr. RANGEL, Mr. CONYERS, Mr. BERMAN, Mr. DYMALLY, Mr. YATRON, Mr. STUDDS, Mr. FRANK, Mr. BROWN of California, and Mr. FUSTER) introduced the following bill; which was referred jointly to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, and Appropriations

A BILL

To support democracy and respect for human rights in Haiti.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. CONDEMNATION OF FAILURE TO SUPPORT TRAN-

4 SITION TO DEMOCRACY, PROVIDE SECURITY,

5 AND RESPECT HUMAN RIGHTS.

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7 (1) condemns the National Governing Council of

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